

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE

JOHN EDWARD HUSKIN,)	
)	
Petitioner,)	
)	
v.)	No.: 3:08-CR-170-TAV-HBG
)	3:12-CV-320-TAV
UNITED STATES OF AMERICA,)	
)	
Respondent.)	

MEMORANDUM OPINION & ORDER

This matter is before the Court for consideration of the Report and Recommendation entered by United States Magistrate Judge H. Bruce Guyton (“R&R”) [Doc. 63].¹ The R&R addresses Petitioner’s motion pursuant to 28 U.S.C. § 2255 [Doc. 45]. Magistrate Judge Guyton held an evidentiary hearing to address whether Petitioner requested his attorney to file a direct appeal on Petitioner’s behalf [Doc. 60], and he then issued the R&R, recommending that the Court deny Petitioner’s motion and decline to issue a certificate of appealability. Petitioner filed an objection to the R&R [Doc. 67], and the government responded to that objection [Doc. 68]. For the reasons that follow, the Court will overrule Petitioner’s objection, accept the R&R, and deny Petitioner’s request.

¹ All citations to the record are found on the docket of Case No. 3:08-CR-170-TAV-HBG.

I. Standard of Review

The Court reviews *de novo* those portions of the R&R to which Petitioner has objected. 28 U.S.C. § 636(b)(1); Fed. R. Crim. P. 59(b). Accordingly, the Court considers the motion, underlying and supporting briefs, government's response, evidence, R&R, and objections, all in light of the applicable law.

II. Analysis

Petitioner takes no issue with the magistrate judge's statement of the law or summary of the testimony [Doc. 67 p. 1]. Rather, Petitioner objects to the magistrate judge's analysis and his conclusion that Petitioner's claim should be denied [*Id.*]. But his arguments merely restate arguments previously made, and the Court has reviewed the magistrate judge's R&R and agrees with it entirely.

III. Conclusion

Accordingly, upon *de novo* review of the record and the law, the Court finds that the recommendations contained in the R&R are correct. Petitioner's objection [Doc. 67] is **OVERRULED**. The Court **ACCEPTS in whole** the R&R [Doc. 63] and incorporates it into this Memorandum Opinion and Order. The Court further **DENIES** Petitioner's § 2255 motion [Docs. 45].

IT IS SO ORDERED.

s/ Thomas A. Varlan
CHIEF UNITED STATES DISTRICT JUDGE